

REMARKS

This is a response to the Office Action dated May 25, 2007. The Examiner has objected to claim 23, which has been amended to correct the objection. The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,295 ("Carr"). Claims 1, 2, 11, and 23-26 have been amended for clarity. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. Interview with Applicants' Representative: Scott Timmerman

On Thursday, August 16, 2007, the Applicants' attorney, Scott Timmerman, spoke with Examiner Lau to discuss the pending application. The discussion related to the coverage of the Carr reference and differences with the pending claims. The Applicants agreed to amend the claims and Examiner Lau would determine if the claim amendments were sufficient after reviewing Carr. The differences between Carr and the amended claims are discussed below.

II. §102(e) Rejection

Carr relates to a "method and system for auditing the energy-usage by a facility [that] includes an energy-using system having an operating parameter with a value." Carr, Abstract. The system in Carr creates an energy model for a facility based on initial data and energy-usage estimates. Carr, Abstract and Fig. 1. The energy model in Carr varies the initial inputs (operating parameters) to determine what the energy usage data would be based on the change in the parameters. *Id.* at Col. 16, ll. 23-56 and Col. 32, ll. 13-18.

Carr fails to disclose an identification of "energy driver [that] is a cause of energy consumption reflected by the energy usage data" as in independent claims 1, 11 and 24-26. As claimed, the energy driver is identified based on the energy usage data and quantity metadata. In particular, the energy driver influences the energy usage data and is identified based at least in part on the energy usage data. Carr relates to determining (identifying) the energy usage data based on varying the operating parameters (input),

whereas the independent claims relate to identifying the energy driver which results in the measured energy usage data. *See Id.* at Col. 16, ll. 23-56 and Col. 32, ll. 13-18.

Accordingly, the Applicants submit that amended independent claims 1, 11, and 24-26 are in condition for allowance. Dependent claims 2-10, and 12-23 should be allowed for the reasons set out above for the independent claims.

III. CONCLUSION

The rejections in the Office Action dated May 25, 2007 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date

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